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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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6 SUSAN MAE POLK,
7 Plaintiff,

8 v.

9 DEPUTY JAMIS CAVIN, et al.,
10 Defendant.
11

Case No.: [3:08-cv-01483-MMC \(JCS\)](#)

**ORDER FOR RETURN OF DOCUMENT
TO PUBLIC DEFENDER [Docket No.174]**

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13 Plaintiff filed an Objection and Request for Sanctions against the Contra Costa County
14 Public Defender [docket no.174]. The Court ordered further briefing, and both the Defendants
15 and Plaintiff filed additional pleadings regarding the matter.

16 The course of events giving rise to this motion are clear. Plaintiff sought memoranda
17 regarding the incident that lies at the center of this litigation. After a motion to compel was filed,
18 the County Counsel and the Public Defender asserted that a memo prepared by Deputy Public
19 Defender Laurie Mont was protected by the attorney work product doctrine. The Court disagreed
20 and ordered the document turned over to Plaintiff. County Counsel's office, on behalf of the
21 Public Defender, gave a copy of the memo to plaintiff, and kept one copy in the Counsel's office.

22 Counsel and the Public Defender have admitted in their papers that the memo is work
23 product, and this Court determined that, as Plaintiff was the client involved, Plaintiff was entitled
24 to see the work product. However, nothing in this Court's orders gave the Public Defender the
25 right to turn the document at issue over to the Counsel's office (who represents defendants in this
26 matter). The Counsel's office is adverse to Plaintiff, and is not entitled to see work product
27 prepared for the Plaintiff unless the standard established by Rule 26(b)(3). No such showing has
28 been made. Accordingly, counsel for Defendants is ORDERED to return all copies of Ms.

1 Mont's memorancume of theAugust 29, 2003 apppearance to the Public Defender's Office.

2 The request for sanctions is **DENIED**.

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4 Dated: November 27, 2012

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7 Joseph C. Spero
8 United States Magistrate Judge
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United States District Court
Southern District of New York